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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

909 NORTH THIRD STREET, PASCO,
WASHINGTON, TOGETHER WITH
ALL APPURTENANCES, FIXTURES,
ATTACHMENTS, AND
IMPROVEMENTS THERETO AND
THEREUPON,

105106 MANUEL DRIVE,
KENNEWICK, WASHINGTON,
TOGETHER WITH ALL
APPURTENANCES, FIXTURES,
ATTACHMENTS, AND
IMPROVEMENTS THERETO AND
THEREUPON,

104804 MANUEL DRIVE,
KENNEWICK, WASHINGTON,
TOGETHER WITH ALL
APPURTENANCES, FIXTURES,
ATTACHMENTS, AND
IMPROVEMENTS THERETO AND
THEREUPON,

104602 MANUEL DRIVE,
KENNEWICK, WASHINGTON,
TOGETHER WITH ALL
APPURTENANCES, FIXTURES,
ATTACHMENTS, AND
IMPROVEMENTS THERETO AND
THEREUPON,

\$5,033.00 U.S. CURRENCY,

Defendants.

CV-10-5033-RMP

Final Order of Forfeiture

Plaintiff, United States of America, filed a Verified Complaint for Forfeiture
In Rem on March 23, 2010, alleging that the defendant property captioned above

1 was subject to forfeiture to the United States pursuant to 21 U.S.C. § 881. ECF
2 No. 1.

3 The above court has jurisdiction over this matter by virtue of 28 U.S.C.
4 §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

5 OVERVIEW

6 The assets being forfeited are described as follows:

7 1) 909 North Third Street, in Pasco, Washington, legally
8 described as follows:

9 Block 11, NORTHERN PACIFIC FIRST ADDITION TO PASCO,
10 according to the plat thereof recorded in Volume "B" of Plats, Page
11 60, records of Franklin County, Washington.

12 Assessor's Parcel Number(s): 112-023-042

13 SUBJECT TO easements, restrictions, reservations and covenants of
14 record.

15 2) \$18,500.00 substitute res in lieu of forfeiture of the real
16 property known as 105106 Manuel Drive, 104804 Manuel Drive; and,
17 104602 Manuel Drive, in Kennewick, Washington ("Manuel
18 Parcels")

19 3) \$5,033.00 U.S. currency seized from Jesus Madrigal by the Tri-
20 Cities Violent Gang Task Force (TVGTF) on or about March 12,
21 2010, pursuant to a state search warrant executed at 425 North
22 Columbia Center Boulevard, Apt. C106, in Kennewick, Washington.

23 Notice of Civil Forfeiture Action was posted on the official government
24 website, www.forfeiture.gov, beginning July 7, 2010, through August 5, 2010, as
25 required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or
26 Maritime Claims and Asset Forfeiture Actions, as evidenced by the Notice of
27 Publication filed herein on May 16, 2011. ECF Nos. 39, 39-1 and 39-2. Based
28 upon the internet publication start date of July 7, 2010, the last date to file a timely
claim was September 5, 2010.

29 I. 909 North Third Street, Pasco, Washington

30 Real property records indicate that potential claimants who may have an
31 interest in the Defendant 909 North Third Street real property are Norma
32 Madrigal, James C. Go and Luisita T. Go, and Enrique Ledsma (Ledesma).

1 On April 2, 2010, the United States Marshals Service posted notice of this
2 forfeiture action on the Defendant real property located at 909 North Third Street,
3 in Pasco, Washington, as noted on form USM-285 filed herein. ECF No. 67.

4 On or about March 26, 2010, Norma Madrigal was served via certified mail,
5 return receipt requested, with copies of the Notice of Complaint, Verified
6 Complaint for Forfeiture In Rem, and Lis Pendens, as evidenced by the Certificate
7 of Service of Notice by Mail filed herein. ECF No. 5 and 5-1.

8 On May 4, 2010, Attorney John Crowley filed an Answer to Complaint for
9 Forfeiture for Norma Madrigal, Mariela Madrigal, and Jesus Madrigal. ECF No.
10 13.

11 On May 5, 2010, Attorney John Crowley filed an Amended Answer to
12 Complaint for Forfeiture for Norma Madrigal, Mariela Madrigal and Jesus
13 Madrigal. ECF No. 14. On June 10, 2010, Norma Madrigal filed a Claim. ECF
14 No. 25. On February 6, 2013, Norma Madrigal filed a Stipulation to Withdraw
15 Claim, in which she withdrew her claim to the Defendant assets and consented to
16 the entry of a Final Order of Forfeiture, forfeiting the assets to the United States
17 without further hearing or notice. ECF No. 59

18 On or about March 26, 2010, James C. Go and Luisita T. Go were served
19 via certified mail, return receipt requested, with copies of the Notice of Complaint,
20 Verified Complaint for Forfeiture In Rem, and Lis Pendens, as evidenced by the
21 Certificate of Service of Notice by Mail filed herein. ECF No. 3 and 3-1.

22 On March 30, 2010, James C. Go and Luisita T. Go, filed an Answer to the
23 complaint. ECF No. 9. On March 31, 2010, James C. Go and Luisita T. Go, filed
24 a Claim to the Defendant 909 North Third Street real property. ECF No. 11.

25 The United States and James C. Go and Luisita T. Go ("Claimants") entered
26 into an Expedited Settlement Agreement regarding the Defendant 909 North Third
27 Street real property, filed herein on March 4, 2013. ECF No. 64. In said
28 settlement agreement, the parties agreed that upon the sale of the Defendant real

1 property, pursuant to an interlocutory sale order or a final order of forfeiture, that
2 the United States would pay amounts owing to the Claimants, as outlined in the
3 settlement agreement.

4 Based upon the terms of the Real Estate Contract between Enrique Ledesma
5 (Ledsma), a single person as “Seller” and Norma Madrigal as “Buyer” recorded on
6 October 12, 2004, in Franklin County, Washington, under recording number
7 1652128, any interest Mr. Ledesma had in the property should have been satisfied
8 by Ms. Madrigal on or before May 15, 2005, however, there is no satisfaction or
9 reconveyance recorded in Franklin County. On or about March 26, 2010, Enrique
10 Ledsma (Ledsma) was served via certified mail, return receipt requested, with
11 copies of the Notice of Complaint, Verified Complaint for Forfeiture In Rem, and
12 Lis Pendens, as evidenced by the Certificate of Service of Notice by Mail filed
13 herein. ECF No. 4 and 4-1. Mr. Ledsma (Ledesma) did not file a claim or respond
14 to the notice. On or about May 9th, 2013, a Clerk’s Order of Default was entered
15 regarding Enrique Ledsma’s (Ledesma’s) interest in the Defendant 909 N Third
16 real property. ECF No. 82.

17 II. \$18,500.00 substitute res in lieu of forfeiture of the “Manuel Parcels”

18 Real property records indicate that potential claimants who may have an
19 interest in the Defendant “Manuel Parcels” real properties are Mariela Madrigal,
20 and the Estate of Gerald L. Manuel.

21 On April 2, 2010, the United States Marshals Service posted notice of this
22 forfeiture action on the Defendant real property located at 909 North Third Street,
23 in Pasco, Washington, as noted on form USM-285 filed herein. ECF No. 68.

24 On or about March 26, 2010, Mariela Madrigal was served via certified
25 mail, return receipt requested, with copies of the Notice of Complaint, Verified
26 Complaint for Forfeiture In Rem, and Lis Pendens, as evidenced by the Certificate
27 of Service of Notice by Mail filed herein. ECF No. 6 and 6-1.

1 On or about March 30, 2010, Mariela Madrigal was served via certified
2 mail, return receipt requested, with copies of the Notice of Complaint, Verified
3 Complaint for Forfeiture In Rem, and Lis Pendens, at another address, as
4 evidenced by the Certificate of Service of Notice by Mail filed herein. ECF No.
5 10 and 10-1.

6 On May 4, 2010, Attorney John Crowley filed an Answer to Complaint for
7 Forfeiture for Norma Madrigal, Mariela Madrigal, and Jesus Madrigal. ECF No.
8 13.

9 On May 5, 2010, Attorney John Crowley filed an Amended Answer to
10 Complaint for Forfeiture for Norma Madrigal, Mariela Madrigal and Jesus
11 Madrigal. ECF No. 14.

12 On May 12, 2010, Jesus Madrigal was served via certified mail, return
13 receipt requested, in care of the Benton County Jail, and also via facsimile to
14 Attorney John Crowley, with copies of the Notice of Complaint, Verified
15 Complaint for Forfeiture In Rem, Lis Pendens, and Warrant of Arrest In Rem, as
16 evidenced by the Certificate of Service of Notice by Mail filed herein. ECF No.
17 19 and 19-1. On June 17, 2010, Jesus Madrigal filed a Notice of Withdraw of
18 Claim of Real Property. ECF No. 28.

19 On June 10, 2010, Mariela Madrigal filed a Claim. ECF No. 26. The
20 United States and Mariela Madrigal entered into a Settlement Agreement and
21 Stipulation for Order of Forfeiture, filed herein on February 20, 2013. ECF No.
22 62. In said settlement agreement and stipulation, Mariela Madrigal agreed to
23 withdraw her claim and the United States agreed to pay her \$4,000.00 of the
24 \$18,500.00 in substitute res received by the United States from the Manuel Estate,
25 pursuant to a separate settlement agreement between the United States and the
26 Manuel Estate. ECF No. 55.

27 On or about May 28, 2010, Gerald Manuel filed a Claim. ECF No. 24. On
28 or about June 30, 2010, Gerald Manuel was served via certified mail, return

1 receipt requested, with copies of the Notice of Complaint, Verified Complaint for
2 Forfeiture In Rem, and Lis Pendens, as evidenced by the Certificate of Service of
3 Notice by Mail filed herein. ECF No. 37 and 37-1. The United States and
4 Claimant, Estate of Gerald Manuel, filed a Settlement Agreement, filed herein on
5 January 2, 2013. ECF No. 55. In said settlement agreement, Claimant agreed to
6 forfeit \$18,500.00 substitute res in lieu of forfeiture of the Manuel Parcels. The
7 United States received the \$18,500.00 substitute res on or about December 30,
8 2012, as evidenced by the Notice of Receipt of Substitute Res filed herein on May
9 14, 2013. ECF No. 83.

10 III. \$5,033.00 U.S. Currency

11 On March 30, 2010, the Clerk issued the Warrant of Arrest In Rem, for the
12 Defendant \$5,033.00 U.S. Currency, pursuant to the Court's order of the same
13 date. ECF No. 7. On April 28, 2010, the Warrant of Arrest In Rem was executed
14 by the United States Marshals Service. On April 29, 2010, the United States filed
15 the executed Warrant of Arrest in Rem. ECF No. 12.

16 On May 4, 2010, Attorney John Crowley filed an Answer to Complaint for
17 Forfeiture for Norma Madrigal, Mariela Madrigal, and Jesus Madrigal. ECF No.
18 13.

19 On May 5, 2010, Attorney John Crowley filed an Amended Answer to
20 Complaint for Forfeiture for Norma Madrigal, Mariela Madrigal and Jesus
21 Madrigal. ECF No. 14. On June 17, 2010, Jesus Madrigal filed a Notice of
22 Withdraw of Claim of Real Property. ECF No. 28.

23 On May 12, 2010, Jesus Madrigal was served via certified mail, return
24 receipt requested, in care of the Benton County Jail, and also via facsimile to
25 Attorney John Crowley, with copies of the Notice of Complaint, Verified
26 Complaint for Forfeiture In Rem, Lis Pendens, and Warrant of Arrest In Rem, as
27 evidenced by the Certificate of Service of Notice by Mail filed herein. ECF No.
28

1 19 and 19-1. Based upon the May 12, 2010, service date, Jesus Madrigal's claim
2 deadline was June 16, 2010.

3 On April 2, 2013, the United States filed and served a Notice of Motion for
4 Default upon Jesus Madrigal. ECF No. 69. On April 18, 2013, the United States
5 filed and served a Motion for Entry of Default as to Jesus Madrigal. ECF No. 76.
6 On April 18, 2013, the Clerk entered a Clerk's Order of Default as to Jesus
7 Madrigal's interest in the Defendant \$5,033.00 U.S. Currency. ECF No. 77.

8 RESOLUTION OF CLAIMS

9 IV. 909 North Third Street, Pasco, Washington

10 It appearing to the Court that the United States and Claimants James C. Go
11 and Luisita T. Go, entered into an Expedited Settlement Agreement, regarding
12 Claimants' interest in the Defendant 909 North Third Street, real property, and
13 according to the terms of said settlement agreement, upon forfeiture and sale of the
14 Defendant 909 North Third property, and after payment of outstanding taxes and
15 expenses of custody and sale incurred by the United States Marshals Service, the
16 United States shall pay Claimants the following:

17 a. All unpaid principal due to Claimants, in the amount
18 of \$62,402.04 as of July 11, 2012, pursuant to a Real Estate Contract ("Contract")
19 at ECF No. 64-1, recorded October 12, 2004, in the official records of Franklin
20 County, Washington, under Recording No. 1652128; and,

21 b. Interest calculated at the base contractual rate (not the default
22 rate) under the above Contract assessed at \$12.82 per diem from July 12, 2012,
23 until the date of payment.

24 c. casualty insurance premiums, if any, advanced by Claimants.

25 d. real property taxes, if any, advanced by Claimants.

26 It also appearing to the Court that Claimant, Norma Madrigal withdrew her
27 claim;

1 It further appearing to the Court that Enrique Ledsma's (Ledesma's) interest
2 in the property was resolved through the entry of the Clerk's Order of Default;

3 It further appearing to the Court that there are no additional timely claims;

4 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the
5 Defendant 909 North Third Street, Pasco, Washington, real property is hereby
6 forfeited to the United States; and the United States Marshals Service shall dispose
7 of the forfeited property in accordance with law, and further, the United States
8 Marshals service shall pay Claimants James T. Go and Luisita C. Go, as outlined
9 above and in the settlement agreement filed herein.

10 V. \$18,500 Substitute Res in lieu of Forfeiture of Manuel Parcels

11 It appearing that Claimant, Mariela Madrigal, withdrew her claim to the
12 Defendant Manuel Parcels, and entered into a settlement agreement, in which the
13 United States agreed to pay \$4,000.00 of the \$18,500.00 substitute res received by
14 the United States from Claimant Estate of Gerald L. Manuel;

15 It appearing to the Court that the United States and Claimant Estate of
16 Gerald L. Manuel agreed in the settlement agreement and stipulation filed herein
17 to the forfeiture of substitute res in lieu of forfeiture of the Defendant real
18 property;

19 It appearing to the Court that the agreed upon substitute res has been
20 provided to the United States.

21 It further appearing to the Court that there are no additional timely claims;

22 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the
23 United States shall pay \$4,000.00 of the \$18,500.00 substitute res provided by
24 Claimant Estate of Gerald L. Manuel, to Mariela Madrigal and the remaining
25 \$14,500.00 substitute res is hereby forfeited to the United States;

1 VI. \$5,033.00 U.S. Currency

2 It appearing to the Court that Jesus Madrigal's interest in the Defendant
3 \$5,033.00 U.S. Currency has been resolved through the entry of the Clerk's Order
4 of Default.

5 It further appearing to the Court that there are no additional timely claims;
6 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the
7 \$5,033.00. U.S. currency is hereby forfeited to the United States;

8 IT IS FURTHER ORDERED that the United States Marshals Service shall
9 dispose of all of the Defendant assets in accordance with law.

10 DATED this 23rd day of May, 2013.

11
12
13 s/Rosanna Malouf Peterson

14 Rosanna Malouf Peterson
15 Chief United States District Judge

16
17
18 Presented by:

19 Michael C. Ormsby
20 United States Attorney

21 s/James A. Goeke

22 James A. Goeke
23 Assistant United States Attorney